

1 those prevailing in the locality where the contract is to
2 be performed. Prevailing wages and working conditions
3 shall be determined by the Director of the Illinois
4 Department of Labor.

5 (2) Whenever a collective bargaining agreement is
6 in effect between an employer, other than a governmental
7 body, and service or printing employees as defined in
8 this Section who are represented by a responsible
9 organization that is in no way influenced or controlled
10 by the management, that agreement and its provisions
11 shall be considered as conditions prevalent in that
12 locality and shall be the minimum requirements taken into
13 consideration by the Director of Labor.

14 (3) Collective bargaining agreements between State
15 employees and the State of Illinois shall not be taken
16 into account by the Department of Labor in determining
17 the prevailing wage rate.

18 (b) As used in this Section, "services" means janitorial
19 cleaning services, window cleaning services, food services,
20 and security services. "Printing" means and includes all
21 processes and operations involved in printing, including but
22 not limited to letterpress, offset, and gravure processes,
23 the multilith method, photographic or other duplicating
24 process, the operations of composition, platemaking,
25 presswork, and binding, and the end products of those
26 processes, methods, and operations. As used in this Code
27 "printing" does not include photocopiers used in the course
28 of normal business activities, photographic equipment used
29 for geographic mapping, or printed matter that is commonly
30 available to the general public from contractor inventory.

31 (c) The terms "general prevailing rate of hourly wages",
32 "general prevailing rate of wages", or "prevailing rate of
33 wages" when used in this Section shall have the meanings
34 ascribed to those terms in Section 2 of the Prevailing Wage

1 Act (820 ILCS 130/2). mean-the-hourly-cash-wages-plus--fringe
2 benefits--for--health--and-welfare, insurance, vacations, and
3 pensions-paid-generally, in-the-locality-in-which-the-work-is
4 being-performed, to-employees-engaged-in-work--of--a--similar
5 character.

6 (d) "Locality" shall have the meaning established by
7 rule.

8 (e) This Section does not apply to services furnished
9 under contracts for professional or artistic services.

10 (f) This Section does not apply to vocational programs
11 of training for physically or mentally handicapped persons or
12 to sheltered workshops for the severely disabled.

13 (g) No person shall discharge, discipline, in any other
14 way discriminate against, or cause to be discharged,
15 disciplined, or discriminated against any employee or any
16 authorized representative of employees by reason of the fact
17 that the employee or representative (i) has filed,
18 instituted, or caused to be filed or instituted any
19 proceeding alleging a violation of this Section, (ii) has
20 testified or is about to testify in any proceeding resulting
21 from the administration or enforcement of this Section, or
22 (iii) offers any evidence of any violation of this Section.

23 (h) Any employee or a representative of employees who
24 believes that he or she has been discharged, disciplined, or
25 otherwise discriminated against by any person in violation of
26 subsection (g) may, within 30 days after the alleged
27 violation occurs, apply to the Director of Labor for a review
28 of the discharge, discipline, or alleged discrimination. A
29 copy of the application shall be sent to the person who
30 allegedly committed the violation, who shall be the
31 respondent. Upon receipt of an application, the Director
32 shall cause an investigation to be made as he or she deems
33 appropriate. The investigation shall provide an opportunity
34 for a public hearing at the request of any party to the

1 review to enable the parties to present information relating
2 to the alleged violation. The parties shall be given written
3 notice of the time and place of the hearing at least 5 days
4 before the hearing. Upon receiving the report of the
5 investigation, the Director or his or her designee shall make
6 findings of fact. If the Director or his or her designee
7 finds that a violation did occur, he or she shall issue a
8 decision incorporating his or her findings and requiring the
9 party committing the violation to take such affirmative
10 action to abate the violation as the Director deems
11 appropriate, including, but not limited to, the rehiring or
12 reinstatement of the employee or representative of employees
13 to his or her former position and compensating him or her for
14 the time he or she was unemployed. If the Director finds that
15 there was no violation, he or she shall issue an order
16 denying the application. An order issued by the Director or
17 his or her designee under this Section shall be subject to
18 judicial review under the Administrative Review Law.

19 (i) The Director of Labor shall adopt rules implementing
20 subsection (h) in accordance with the Illinois Administrative
21 Procedure Act.

22 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".